

**STATE OF IDAHO, DEPARTMENT OF AGRICULTURE
DIVISION OF AGRICULTURAL RESOURCES**

IN RE SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL ACT)))))))	2005 DETERMINATION REGARDING ECONOMICALLY VIABLE ALTERNATIVES TO THERMAL DISPOSAL OF CROP RESIDUE
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INTRODUCTION

This Determination Regarding Economically Viable Alternatives to Thermal Disposal of Crop Residue ("Determination") is issued pursuant to the *Smoke Management and Crop Residue Disposal Act* ("Smoke Management Act") codified at Idaho Code § 22-4801 *et seq.* The Smoke Management Act requires that I make a determination that no economically viable alternatives to crop residue burning are available to Idaho producers before field burning becomes an allowable form of open burning. In 2003 and 2004, I found that no economically viable alternative to field burning was available for the purpose of disposing of crop residue, developing physiological conditions conducive to increased crop yields, or controlling diseases, insects, pests or weeds. Because scientific research is on-going in the area of crop residue disposal, I have re-evaluated the issue of economically viable alternatives to the open burning of crop residue for 2005.

In anticipation of this Determination, the Idaho State Department of Agriculture ("ISDA") solicited comments regarding economically viable alternatives to field burning in April and May of 2005. This Determination is based on the available scientific and economic research with respect to crop residue disposal in Idaho and the comments received from the public.

PARAMETERS OF THIS DETERMINATION

House Bill 33 was signed into law on March 23, 2005, and became effective on July 1, 2005. This legislation amended the Smoke Management Act adding a definition for "economically viable alternative." Idaho Code § 22-4802(7), provides:

‘Economically viable alternative’ means an alternative to thermal residue disposal that: (a) achieves agricultural objectives comparable to thermal disposal for the factors listed in § 22-4803(1)(a) through (c) and (2), Idaho Code; and (b) allows growers to experience a financial rate of return over the short- and long-term

consistent with the rate of return that would occur if thermal residue disposal were utilized.

The new statutory definition embodies the construction that I gave the term "economically viable alternative" in the 2003 and 2004 Determinations.

The definition of "economically viable alternative" limits my Determination to those alternatives that provide for the disposal of crop residue, create physiological conditions that will increase crop yields, or will control diseases, insects, pests or weed infestations. Specifically, the Smoke Management Act provides in Idaho Code § 22-4803(1):

The open burning of crop residue grown in agricultural fields shall be an allowable form of open burning when the provisions of this chapter, and any rules promulgated pursuant thereto, and the environmental protection and health act, and any rules promulgated pursuant thereto, are met, and when no other economically viable alternatives to burning are available, as determined by the director, for the purpose of:

- (a) Disposing of crop residue;
- (b) Developing physiological conditions conducive to increased crop yields; or
- (c) Controlling diseases, insects, pests or weed infestations.

FACTUAL RECORD SUPPORTING THIS DETERMINATION

I have instructed my staff to compile all available information on crop residue disposal, including emails, letters, memoranda and other documents received from the public along with scientific and economic research not previously compiled in 2003 and 2004 related to crop residue disposal. I have reviewed the documents compiled by my staff and those documents submitted by the general public. These documents and the documents comprising the Administrative Record supporting the Determination issued in 2004 are the basis for my 2005 Determination. An index comprising the list of documents that I have reviewed, and upon which this Determination is based, appears as an attachment to this Determination.

SUMMARY AND FINDINGS

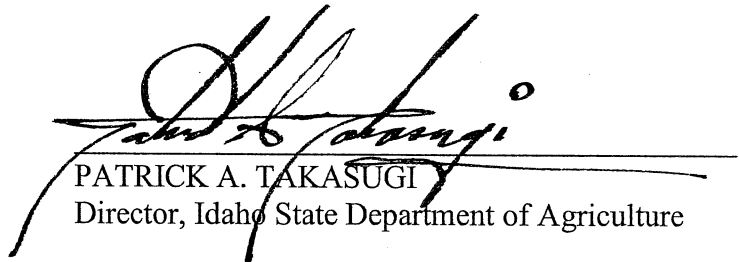
In 2004, the ISDA compiled a significant volume of scientific and economic research in addition to public comments related to the issue of economically viable alternatives to field burning in Idaho. I reviewed those documents in preparation for the Determination issued in 2004.

I have reviewed all new information provided in 2005 and compared it with the data reviewed in 2004. The most significant additional information was received from the University of Idaho with respect to on-going field studies related to the feasibility of field burning alternatives for Kentucky bluegrass stands. Preliminary data have been gathered by University staff, and University researchers state, based on the data currently developed, that there are "no

proven economically sustainable, non-thermal residue management systems available for Idaho . . . producers.”¹

Based upon the record provided to me for review, I find that no economically viable alternatives to field burning currently exist for Idaho producers. Accordingly, I renew the findings I made in 2004 with respect to an economically viable alternative for crop residue disposal for Idaho producers currently utilizing a thermal disposal protocol for crop residue, as augmented by the information provided by the University of Idaho discussed in the previous paragraph. The 2004 Determination outlined extensively those issues supporting the conclusion that no economically viable alternatives for the open burning of crop residue are available to Idaho producers, and I incorporate the 2004 Determination by reference here.

DATED this 7th day of July 2005.



PATRICK A. TAKASUGI
Director, Idaho State Department of Agriculture

¹ Letter from Professor Donald C. Thill, Professor of Weed Science, University of Idaho, College of Agricultural and Life Sciences, to Director Patrick A. Takasugi, Idaho State Department of Agriculture 1 (May 9, 2005) (on file with the Idaho State Department of Agriculture).